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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVEN DANIEL ORR,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

Case No. 2:17-cv-02908-RFB-GWF

**MOTION FOR ENLARGEMENT OF TIME
TO FILE RESPONSE TO AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS (ECF NO. 6)**

(SECOND REQUEST)

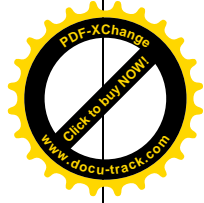
Respondents move this Court for an enlargement of time of sixty (60) days from the current due date of November 19, 2018, up to and including Friday January 18, 2019, in which to file their answer or other responsive pleadings to the Amended Petition for Writ of Habeas Corpus (ECF No. 6). This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached affidavit of counsel.

This is the second enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED November 16, 2018.

ADAM PAUL LAXALT
Attorney General

By: /s/ Allison Herr
Allison Herr (Bar No. 5383)
Senior Deputy Attorney General



DECLARATION OF ALLISON HERR

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, Allison Herr, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada, and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Steven Daniel Orr v. Brian Williams, et al.*, Case No. 2:17-cv-02908-RFB-GWF, and as such, have personal knowledge of the matters contained herein.

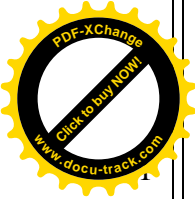
2. This motion is made in good faith and not for the purpose of delay.

3. The answer or other responsive pleadings to the Amended Petition for Writ of Habeas Corpus (ECF No. 6) are currently due on Monday, November 19, 2018.

4. I have been unable with due diligence to timely complete the response herein as I have only recently been able to complete my review of the entirety of the record, and need additional time to draft my responsive pleadings and have those pleadings reviewed and approved by my supervisor.

5. So far this year, our office has opened 1045 new state and federal habeas cases. In addition to this case, I am responsible for responding to petitions and drafting orders for approximately 20% of all state court habeas petitions that challenge time credits, 80% of the petitions raising due process violations during parole revocations, and 80% of the state habeas petitions challenging the loss of time credits from prison disciplinary proceedings. I am also responsible for certain non-time credit state petitions and direct appeals to the Nevada Supreme Court arising out of the Attorney General's prosecutions. Given the recent departure of two very experienced habeas attorneys from our unit, along with one of our other colleagues being out on maternity leave, we are experiencing unprecedented constraints on our resources.

6. In the next sixty days I have responsive pleadings due in five other federal habeas cases including Deangelo Malone 2:18-cv-00764, due November 27, 2018; Michael Patterson 2:17-cv-02131, due December 10, 2018; Karisma Garcia 3:17-cv-00711, due December 14, 2018; Melanie Ochs 2:16-cv-00982, due January 4, 2019; and Elizabeth Carley 2:16-cv-02227, due January 7, 2019.



1 7. Based on the foregoing, and given the upcoming holiday schedule, I respectfully request
2 an enlargement of time of sixty (60) days, up to and including Friday, January 18, 2019, to respond to
3 Orr's Amended Petition. This is my second request for extension in this case.

4 I declare under penalty of perjury that the foregoing is true and correct.

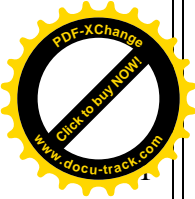
5 Executed on this 16th day of November, 2018.

6 /s/ Allison Herr
7 Allison Herr (Bar No. 5383)

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10 IT IS SO ORDERED:

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13 _____
14 RICHARD F. BOULWARE, II
15 UNITED STATES DISTRICT JUDGE

16 DATED this 20th day of November, 2018.
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Motion for Enlargement of Time to File Answer to Petition for Writ of Habeas Corpus (Second Request)* with the Clerk of the Court by using the CM/ECF system on November 16, 2018.

I certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Steven Daniel Orr, #61949
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070

/s/ K. Plett
An employee of the Office of the Attorney General